

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

WP(C).No. 3380 of 2007(B)

PETITIONER:

1. THRESIAMMA JACOB, W/O.LATE P.O.JACOB,
AGED 74 YEARS, PALAKKAPPILLY, KADAVANTHRA,
KOCHI-20.
2. P.J.AUGUSTINE, S/O.LATE P.O.JACOB,
AGED 44 YEARS, UNI HOUSING, ASTER AVENUE,
PNNETH SOUTH ROAD, CHILAVANNUR, KADAVANTHRA,
KOCHI-20.
3. P.J.ANTONY @ P.J.CELESTINE,
S/O.LATE P.O.JACOB, AGED 43 YEARS, PALAKKAPPILLY,
KADAVANTHRA, KOCHI-20.
4. P.J.THOMAS, S/O.LATE P.O.JACOB,
AGED 41 YEARS, PALAKKAPPILLY, KADAVANTHRA,
KOCHI-20.
5. FR.JACOB PALAKKAPPILLY,
S/O.LATE P.O.JACOB AGED 34 YEARS,
ST.ANDREWS CHURCH, PERIYARMUKHAM,
THOTTUMUGHAM P.O., ALUVA.
6. RAJU JACOB, S/O.LATE P.O.JACOB,
AGED 34 YEARS, PALAKKAPPILLY,
KADAVANTHRA, KOCHI-20.

BY ADV. SRI.O.P.NANDAKUMAR
SRI.V.A.AJAI KUMAR

RESPONDENTS:

1. THE ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), COCHIN-5.
2. THE DEPUTY REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), ERNAKULAM-5.

WP(C).No. 3380 of 2007(B)

3. SPECIAL SALE OFFICER/SENIOR INSPECTOR
OF CO-OPERATIVE SOCIETIES,
ERNAKULAM DISTRICT CO-OPERATIVE BANK,
KAKKANAD, KOCHI-30.

4. COCHIN NAVAL BASE CIVILIAN EMPLOYEES'S
CO-OPERATIVE SOCIETY LTD NO.4146,
COCHIN-4, REPRESENTED BY ITS SECRETARY.

BY SENIOR GOVERNMENT PLEADER, SRI P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

J.M.JAMES, J.

W.P.(C) No. 3380 of 2007 (B)

Dated this the 31st day of January, 2007

J U D G M E N T

Exhibits P7 to P11 notices were issued by the third respondent, to writ petitioners 1 to 3, 5 and 6, demanding the amount due from the deceased P.O.Jacob, the husband of the first writ petitioner and the father of writ petitioners 2 to 6. Notices have been issued, under Rule 71(4) of the Kerala Co-operative Societies Rules, in short 'the Rules'. The learned counsel for the writ petitioners submits that the petitioners have preferred Exhibit P12 objection to Exhibits P7 to P11 notices and, therefore, prays that the said objection may be disposed of, before taking a final decision on the amount due from the deceased P.O.Jacob, as well as the right, if any, of the fourth respondent to realise the amount from the writ petitioners. The counsel also further contended that the writ petitioners had not inherited any property from the deceased person, therefore, the fourth respondent has no right to proceed against them.

2. In the above facts situation, after hearing the learned counsel for the writ petitioners as well as the Senior Government Pleader, I direct the third respondent to hear the writ petitioners as well as the fourth respondent, and dispose of the matter as per the Rules. This shall be done within one month from the date of production of a copy of this judgment.

3. Till a decision is taken, as directed above, no coercive steps shall be initiated against the writ petitioners.

(J.M.JAMES)
Judge

ms